

MANITOBA) Order No. 153/11
)
THE PUBLIC UTILITIES BOARD ACT) November 3, 2011

BEFORE: Graham Lane C.A., Chairman
Robert Mayer Q.C., Vice-Chair
Dr. Kathi Avery Kinew, Member

AWARD OF COSTS: CONSUMERS' ASSOCIATION OF CANADA,
MANITOBA BRANCH - INTERVENTION (MANITOBA HYDRO
2011 DIESEL APPLICATION - INTERIM ORDER
(RESIDENTIAL TAIL BLOCK RATES)

Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$7,016.75 to the Consumers' Association of Canada, Manitoba Branch (CAC).

CAC intervened in the Board's deliberation of Manitoba Hydro's (MH) 2011 Diesel Application that resulted in an Interim Order eliminating the tail block rate for residential diesel customers.

Application

The Board has considered CAC's application for an award of costs, which was filed with the Board on October 7, 2011.

Pursuant to Section 56 of *The Public Utilities Board Act*, the Board has jurisdiction to award costs of, and incidental to, any proceeding. The Board's Rules of Practice and Procedure (Rules) stipulate the Board may award costs to be paid to an Intervener who has:

1. made a significant contribution that is relevant to the proceeding and contributed to a better understanding, by all parties, of the issues before the Board;
2. participated in the hearing in a responsible manner and cooperated with other Interveners with common objectives in the outcome of the proceedings in order to avoid a duplication of intervention;
3. insufficient financial resources to present the case adequately without an award of costs; and

4. a substantial interest in the outcome of the proceeding, and represents the interests of a substantial number of the ratepayers.

CAC applied for an award of costs of \$7,016.75 comprised of:

Legal	Fees: Public Interest Law Centre	\$4,000.00	
	Disbursements:	\$ 10.50	
TOTAL			<u>\$4,010.50</u>
Consulting			
	Fees: Bill Harper	\$3,006.25	
TOTAL			<u>\$3,006.25</u>
GRAND TOTAL			<u>\$7,016.75</u>

In support of its application, CAC noted that it submitted an initial draft budget of \$19,530 with the expectation the proceeding would include an in-depth review of MH's overall revenue requirement to service the diesel communities. CAC proposed to file a demographics report on the diesel communities, to be prepared by Carter Research Associates.

MH responded with a request to the Board that the proceeding be limited to consideration of the residential tail block rate only, with other issues to be addressed as part of a future comprehensive diesel rate application.

The Board granted MH's request and CAC revised the scope of its review to only those issues dealing with the residential tail block rate.

CAC submits that it made an important contribution to the proceeding through its information requests, and that its costs were reasonably and necessarily incurred.

Manitoba Hydro's Comments

MH had no objection to CAC's application for costs.

Board Findings

CAC is a non-profit organization that lacks the ability to participate effectively without a cost award. The Board accepts that CAC not only had a material interest in the outcome of the proceeding but also participated responsibly.

The Board also finds that the matters canvassed and commented upon by CAC were germane to the matters at hand and were of benefit to the Board's understanding of the Application.

The Board appreciated CAC's facilitation of the written hearing process, which resulted in an efficient and effective review of the relevant issues and, also, reduced regulatory costs.

The Board also recognizes CAC's effort to revise the scope of its review, in accordance with the Board's direction, which resulted in the deferment of costs previously expected to be incurred by Carter Research Associates.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with section 36 of the Board's Rules of Practice and Procedure (Rules). The Board's Rules may be viewed on the Board's website, www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. The application of the Consumers' Association of Canada, Manitoba Branch for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$7,016.75; and
2. Costs be payable by Manitoba Hydro within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"GRAHAM LANE CA"
Chairman

"KURT SIMONSEN P.ENG."
Acting Secretary

Certified a true copy of
Order No. 153/11 issued by
The Public Utilities Board

Acting Secretary